INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY INVOLVED, HIT SHOOTING (SUSPECT DECEASED)
IAB #SH2218495

URN:	008-80490-2199-013
DATE / TIME:	Saturday, April 12, 2008, 1753 hours
LOCATION:	1526 East 92nd Street, Los Angeles, California, 90002 "El Ranchito Market"
SUSPECT:	Fernando Cortez, Jr. , MH/21
PERSONNEL:	Deputy [redacted] #[redacted] Unit 210G18, PM's Deputy William Cordero, #[redacted] Unit 210G18, PM's

On April 12, 2008, the Internal Affairs Bureau's Force and Shooting Response Team responded to the City of Los Angeles, regarding a deputy involved, hit shooting. The team consisted of Acting Lieutenant Clay Anderson and Sergeants Dinah Grote and David Flores. Attorney Rob Miller of the Office of Independent Review also responded.

> **IAB NOTE:** IAB Acting Lieutenant Clay Anderson checked to see that the Watch Commander, Lieutenant Kevin Hebert, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves, or with uninvolved persons, prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Acting Lieutenant Anderson checked to see if the Watch Commander attempted to have involved and witness personnel gather in the company of sergeants (Ernest Chavez and Timothy Duerr) until they have provided a statement to the assigned investigators.

When the team arrived at the location there were an active command post and containment of the area. Investigators learned that the series of events which occurred, culminated into a deputy involved, hit shooting involving Deputies [redacted] and William Cordero, and that the suspect was dead. The personnel involved in the incident are uniformed gang enforcement deputies working a two-person unit. The criminal investigation is being handled by Homicide Detectives, Michael Valento, and Todd Anderson.

SYNOPSIS:
On April 12, 2008, at approximately 1551 hours, Deputies [redacted] (book-person) and William Cordero (driver) were working a two-person, no call gang enforcement unit. As they were driving in an alleyway on the north side of 92nd Street in the unincorporated area of Los Angeles County, Deputy [redacted] recognized an "[redacted], so Deputies [redacted] and Cordero [redacted] ([redacted]). [redacted], Deputy [redacted] received an incoming telephone call on his cell phone. The caller's telephone number popped up, but since the number was not stored in Deputy [redacted] phone, no name or identification came up on his screen.

> **IAB Note:** Deputy [redacted] had frequented local area businesses and provided his personal cell phone number to store owners regarding issues or problems they might have with gang members.

The unidentified male caller (Witness [redacted].) said in a frantic and scared voice, "Is that you across the street?" Deputy [redacted] asked the male across the street from where. The male replied the liquor store. Deputy [redacted] asked what liquor store he was talking about, but the male went on to say that he believed his [redacted] (Suspect Fernando Cortez, Jr.) had a gun inside the store and advised that his [redacted] (Witness [redacted]) was also inside the store. Deputy [redacted] was told by Witness [redacted] that his [redacted] Suspect Fernando Cortez, Jr. was wearing a brown striped shirt and a brown hat, then hung up the phone.

Deputy [redacted] told Deputy Cordero to [redacted]. He then proceeded to tell Deputy Cordero about the information he received during his phone call with Witness [redacted]. Not provided with the name or address of the market, Deputies Cordero and [redacted] drove southbound out of the alleyway and saw an "El Ranchito Market" located on the south side of 92nd Street, in the City of Los Angeles.

> **IAB Note:** At that location, the north side of 92nd Street is patrolled by the Los Angeles County Sheriff's Department. The south side of 92nd Street is the jurisdiction of the Los Angeles Police Department.

Deciding to check the market, Deputy Cordero parked the patrol vehicle east of the market, on the south side of the street, facing west bound. After seeing several people entering and exiting the market, which to them appeared to be normal, Deputies Cordero and [redacted] approached the business from the east side and looked into the front glass windows of the market. Not seeing anything unusual or seeing anyone matching the clothing description, Deputies [redacted] and Cordero entered the market. They saw eight to ten people standing in a line at a check out counter located on the west side of the wall.

After looking throughout the store, Deputies [redacted] and Cordero saw a male Hispanic wearing a brown hat and brown striped shirt standing at the end of the line on the south side of the market. Deputies [redacted] and Cordero made eye contact with Suspect Fernando Cortez, Jr., and saw that he appeared to be startled by their presence as his eyes became enlarged. Deputies [redacted] and Cordero saw a cast on his right hand and noted the cast extended the length of his forearm, just short of his elbow area. Believing Suspect Cortez fit the description as given in the phone call, Deputies Cordero and [redacted] walked toward Suspect Cortez. Deputy Cordero removed his handgun from his holster and held it at his side hand while they approached him. When they contacted Suspect Cortez, Deputies [redacted] and Cordero told Suspect Cortez not to move or reach for anything. Suspect Cortez asked what was going on, saying that he worked for the market, and that he had not done anything wrong. Deputies Cordero and [redacted] told him that they would explain later, ordering him to raise his hands and to turn around, away from them.

Suspect Cortez complied with their orders and turned west bound, adjacent to the end of the check out counter. Deputies [redacted] and Cordero ordered Suspect Cortez to go down to his knees. Deputy Cordero stood to the right rear area of Suspect Cortez maintaining cover for Deputy [redacted] who contacted Suspect Cortez to conduct a pat-down for weapons. Deputy [redacted] placed his left hand on Suspect Cortez' left shoulder to guide Suspect Cortez down. As Suspect Cortez knelt down on his left knee, Deputy Cordero placed his left hand on top of Suspect Cortez' right shoulder. When Deputy [redacted] placed his right hand on Suspect Cortez' right shoulder, Suspect Cortez sprang upward.

As Deputy [redacted] grabbed onto Suspect Cortez' left shoulder shirt area, Suspect Cortez immediately turned to his left, and threw several punches at Deputies [redacted] and Cordero using both his hands. Deputy Cordero used his left hand to grab onto Suspect Cortez' shirt at the right shoulder area while still holding his handgun in his right hand. With the suspect now facing them, Deputies [redacted] and Cordero ordered Suspect Cortez to stop fighting and to lie on the floor, but he did not comply as he continued to hit Deputies [redacted] and Cordero with his hands. In an attempt to break free from the grasps of Deputies [redacted] and Cordero, Suspect Cortez moved his shoulders from side to side while he pulled himself backwards (east bound) into the market's main aisle.

Suspect Cortez continued to struggle as he pulled himself backwards, now moving into a south bound aisle. During the struggle in the main and south bound aisles, items were knocked off store shelves as Deputy [redacted] ended up on the left side of Suspect Cortez, facing toward him. Deputy Cordero was adjacent to Deputy [redacted] right side, facing Suspect Cortez. After being pulled south bound into the aisle, Suspect Cortez dropped his left hand down to the left front pocket of his pants while trying to reach into the pocket. As Deputy [redacted] removed his handgun from his holster, he saw Suspect Cortez gripping onto something while pulling it out of his pocket. Deputy [redacted] yelled out to Deputy Cordero, "Gun, gun, gun!" He then told Deputy Cordero to release Suspect Cortez because he ([redacted] was "firing."

When Deputy Cordero released his grasp on Suspect Cortez, he saw the butt of a handgun in Suspect Cortez' grasp as he was pulling it out of his pocket. Almost simultaneously, both Deputy [redacted] and Deputy Cordero each fired one round at Suspect Cortez from their department-issued, Beretta, 92mm, handguns, striking him in his right arm and to the back of his head, causing him to immediately fall to the ground, succumbing to his gunshot wounds.

Deputy Cordero saw a handgun hanging out of Suspect Cortez' pant pocket, so he removed it from the pocket, placed it on top of a store shelf, and maintained cover at the rear store door. Deputy [redacted] requested assisting units and rescue via his handheld radio as he contained the front of the store.

Assisting units and members of the Los Angeles Police Department arrived, along with paramedics from the Los Angeles Fire Department who pronounced the suspect dead at the scene. Sergeant [redacted] from the Los Angeles Police Department, Southeast Division, monitored the scene until Sheriff's Homicide detectives arrived.

Homicide Bureau was notified, and Detectives Todd Anderson and Michael Valento took control of the investigation. For further refer to the Homicide case book, presented as ***Exhibit A***.

During an inventory of Suspect Cortez' property, Coroner Investigator Kelly Yagerlener located a clear plastic baggy containing a white powdery substance resembling cocaine or methamphetamine in his right front pants pocket. Refer to Investigator Yagerlener's report in ***Exhibit A***, ***pages 101-106***.

At Century Sheriff's Station, Homicide Investigators Todd Anderson and Michael Valento retrieved Deputies [redacted] and Cordero's handguns. The magazine and live rounds were counted. The handguns, magazines, and live rounds were taken as evidence, and later submitted to the Scientific Services Bureau's Firearms Section under Lab Receipt #J973724 and #J989400. Refer to the Firearms Reports in ***Exhibit A, pages 51-53***.

During the incident, Deputy [redacted] received bruising to both arms and Deputy Cordero received an abrasion to his left elbow and bruising on his arms. The deputies did not require, nor request, medical treatment.

On March 25, 2009, Deputy District Attorney Christian Gullon, from the Los Angeles County District Attorney's Office, Justice System Integrity Division, concluded their investigation and determined that Deputies [redacted] and Cordero acted lawfully in self-defense and defense of another. For further, refer to the District Attorney's Letter of Opinion, presented in ***Exhibit A, pages 107-109***.

INVOLVED PERSONNEL:
[redacted]
Deputy Sheriff, Employee #[redacted]
[redacted]
Field Operations II, [redacted]

WORK HISTORY:

Date of Employment:	[redacted]
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	1
Prior Founded Force Incident(s):	[redacted]

INVOLVED PERSONNEL:
CORDERO, William R.
Deputy Sheriff, Employee #[redacted]
Office of Homeland Security - Operations Safe Streets
Field Operations II, Gang Enforcement Deputy

WORK HISTORY:

Date of Employment:	01/23/1991
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

SUSPECT INFORMATION:
CORTEZ, Fernando Jr. , MH/21, DOB: 10/16/1986, 5' 06", 120 lbs.
[redacted].

CII #[redacted], CCHRS #[redacted], FBI #[redacted]

A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect Cortez and [redacted]. Refer to the CCHRS/CII printouts, ***Exhibit A***, ***pages 64-77***.

EMPLOYEE WITNESS:
None.

NON-EMPLOYEE WITNESSES:

[redacted], MH/47, DOB: [redacted]

[redacted] FH/43, DOB: [redacted].

[redacted], MB/22, DOB: [redacted].

[redacted] FH/23, DOB: [redacted].

INJURIES:

Deputy [redacted] received bruising to both forearms, which he stated was sustained during the fight with Suspect Cortez. He did not require medical treatment.

Deputy Cordero received a small abrasion to his left elbow, which he stated was sustained during the fight with Suspect Cortez. He did not require medical treatment.

Suspect Cortez sustained two gunshot wounds to his body. One gunshot wound occurred to his upper right arm, and was a through and through wound, which was not considered life threatening. The second gunshot wound was to the back of Suspect Cortez' head, below the left ear. The bullet severed the spinal cord and was immediately fatal. For further, refer to the Homicide investigator's summary of the autopsy, ***Exhibit A***, ***pages 29-30***, or the Autopsy Report listed in ***Exhibit A***, ***pages 78-97***.

PHYSICAL EVIDENCE:

Located within the market were two expended "WIN 9mm Luger" cartridge casings, one expended lead bullet, and a six shot .32 caliber "H & R" revolver. The revolver was loaded with two live rounds and one expended shell casing. For further, refer to ***Exhibit A***, ***pages 45-48***.

Coroner Investigator Kelly Yagerlener located a clear plastic baggy containing a white powdery substance resembling cocaine or methamphetamine in the right front pants pocket of Suspect Cortez. Refer to Investigator Yagerlener's report in ***Exhibit A***, ***pages 101-106***.

> **IAB Note:** Per Homicide Investigator Michael Valento, the contents of the plastic baggy was not requested to be tested.

> **IAB Note:** Refer to the Toxicology Report, located in ***Exhibit A***, ***pages 98-99***, which indicated Suspect Cortez had the presence of marijuana, cocaine, and methamphetamine in his system.

The evidence and the general area were photographed by Forensic Identification Specialist II Angela Pratt. Forensic Identification Specialist II Fred Roberts assisted by documenting the evidence through a sketch and measurements. For further, refer to Pratt's reports and sketch's in ***Exhibit A***, ***pages 45-48***, along with two CD's containing photographs of the incident, presented as ***Exhibit F***.

Firearms Examiner Edmund Anderson collected the two expended Luger 9mm cartridge casings, a fired bullet, an "H & R, " .32 caliber revolver loaded with two live .32 caliber rounds and one fired .32 caliber casing, as well as Deputies [redacted] and Cordero's handguns. Refer to his Firearms reports in ***Exhibit A***, ***pages 51-54***.

> **IAB Note:** Per Edmund Anderson, a request to have the .32 caliber revolver examined or test fired was not made by the Homicide investigator's. The handgun came back as "no record." For further, refer to ***Exhibit A***, ***page 61***.

During the autopsy, one copper jacketed lead projectile was removed from Suspect Cortez' body. Also, he had one through and through bullet wound to his right arm. For further, refer to the Los Angeles County Coroner's Report, presented in ***Exhibit A***, ***pages 78-97***. Additionally, refer to ***Exhibit F***, for two CD's which contain photographs of the crime scene and of Deputies [redacted] and Cordero.

INVESTIGATORS' OBSERVATIONS:

The "El Ranchito" market is located primarily in a residential neighborhood consisting of multiple unit apartment buildings, as well as single family dwellings on both the north and south sides of East 92nd Street. The market is located on the south side of East 92nd Street, which is in the City of Los Angeles. The north side of East 92nd Street is policed by the Los Angeles Sheriff's Department, Century Station. For a further description of the scene, refer to ***Exhibit A***, ***pages 39-42***.

WEAPONS USED BY DEPUTY PERSONNEL:

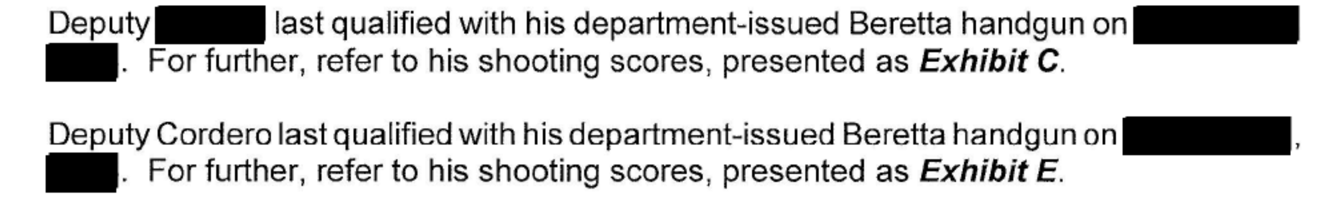
Deputy [redacted] carried his duty firearm, a 9mm Luger caliber, department-issued, Beretta, Model 92FS, semiautomatic, blue steel, serial #BER[redacted]Z, with "Winchester" 9mm Luger brand ammunition. Deputy [redacted] carried his weapon with 15 rounds in the magazine and one in the chamber. During the incident, he fired one round. Following the shooting, Deputy [redacted] handgun was recovered and he had 14 live rounds in his magazine and one in the chamber. The ammunition did not appear to be modified in any way.

The handgun and ammunition were submitted to the Firearms Laboratory under receipt number J973724.

Deputy William Cordero carried his duty firearm, a 9mm Luger caliber, department-issued, Beretta, Model 92FS, semiautomatic, blue steel, serial #BER[redacted]Z, with "Winchester" 9mm Luger brand ammunition. Deputy Cordero carried his weapon with 15 rounds in the magazine and one in the chamber. During the incident, he fired one round. Following the shooting, Deputy Cordero's handgun was recovered and he had 14 live rounds in his magazine and one in the chamber. The ammunition did not appear to be modified in any way. The handgun and ammunition were submitted to the Firearms Laboratory under receipt number J989400.

Firearms Examiner Edmund Anderson examined and test fired Deputy [redacted] handgun. Although the weapon was found to be functional, it was discovered that the trigger reset spring on Deputy [redacted] handgun had failed after the initial round was fired. As a result, the handgun could not have been discharged further and was inoperable. Deputy Ed Anderson examined and tested Deputy Cordero's handgun and it was found to be functional. However, the trigger showed minor signs of wear and tear, so it was recommended that the handgun be checked by the Department's armorer.

Both handguns were transported to the Armory for inspection. There, it was confirmed that the trigger reset spring on Deputy [redacted] handgun was broken, so it was replaced. Also, the recoil spring showed severe signs of compression, so it was replaced. Deputy Cordero's handgun was inspected and found to be within departmental and manufacturers' guidelines, not requiring any repairs. Both weapons did not appear to be modified in any way and the trigger pull weight was within the manufacturer's specification. For further, refer to the Homicide investigator's summary of the weapon's report in ***Exhibit A***, ***pages 30-31***, and the Firearms Examiner Reports listed in ***Exhibit A***, ***pages 51-53***.



Deputy [redacted] last qualified with his department-issued Beretta handgun on [redacted] [redacted]. For further, refer to his shooting scores, presented as ***Exhibit C***.

Deputy Cordero last qualified with his department-issued Beretta handgun on [redacted], [redacted]. For further, refer to his shooting scores, presented as ***Exhibit E***.

<u>WEAPONS USED BY THE SUSPECT:</u>

Suspect Cortez used both hands to strike Deputies [redacted] and Cordero and attempted to arm himself with a .32 caliber revolver.

> **IAB Note:** Per Edmund Anderson, a request to have the .32 caliber revolver examined or test fired was not made by the Homicide investigator's.

PROPERTY DAMAGE:

During the struggle in the store, numerous items were knocked over or knocked off shelves.

A bullet strike was located a few inches above the floor to a metal produce cooler located on the south interior wall, south of Suspect Cortez' body.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	Homicide Detectives Todd Anderson and Michael Valento.
Court:	None
Charges Filed:	None
DA Case Number:	J.S.I.D. 08-0235

LIGHTING AND WEATHER CONDITIONS:

It was a clear, warm, and dry spring day. Lighting was not a factor in this incident.

INVOLVED EMPLOYEE STATEMENTS:

Deputy *[redacted] [redacted] was interviewed during the investigation by Homicide Investigators Todd Anderson and Michael Valento on April 12, 2008, at 2140 hours. He was represented by attorney Derald Brenneman from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the* ***Transcriptions*** *section of the casebook. For a summary of his interview with the Homicide investigators, refer to* ***Exhibit A, pages 25 through 27****.*

Deputy *[redacted] [redacted] was interviewed by IAB Sergeant Dinah Grote on May 7, 2009, at 1025, at the IAB Commerce office. He was represented by Derald Brenneman from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the* ***Transcriptions*** *section of the casebook.*

Deputy [redacted] explained that he and his partner were [redacted] (Witness [redacted] in an alleyway when he received a telephone call on his cell phone. The frantic and scared unidentified caller (Witness [redacted].) asked Deputy [redacted] if he was the patrol unit that was parked across the street from [redacted] market. [redacted] then went on to say that [redacted] [redacted] (Suspect Fernando Cortez, Jr.) was possibly carrying a gun inside [redacted] market and that [redacted] [redacted] was inside the market, but [redacted] ([redacted]) wasn't.

The caller provided Deputy [redacted] with a clothing description of his [redacted] but did not tell [redacted] the name of his market or address as he hung up.

Upon releasing the male (Witness [redacted] Deputy [redacted] relayed the information he received in the telephone call to Deputy Cordero, adding that it was unknown which market the caller was talking about. Driving south out of the alley, there was a market located on the south side of the street, so Deputy Cordero parked east of the market.

Still unsure if this was the market, Deputies [redacted] and Cordero approached the market and looked through the glass windows. Not seeing anything unusual or anyone matching the clothing description, Deputy [redacted] entered the market followed by Deputy Cordero. Inside the market, Deputy [redacted] saw approximately 10 people standing at the check out counter purchasing items. Deputy Cordero walked further south into the market and saw a male matching the clothing description provided by the caller. When eye contact was made, the male (Suspect Fernando Cortez, Jr.) gave a startled look to Deputy [redacted] as he remained at the back of the check out line (south side of market).

Able to see Suspect Cortez' hands and noting Suspect Cortez had a cast on his right hand, Deputy [redacted] approached Suspect Cortez and said that they needed to talk to him. Immediately, Suspect Cortez responded by saying he did not do anything, and that he works at the market. Wanting to safely check Suspect Cortez for any weapons, Deputy [redacted] told Cortez to turn around. After Suspect Cortez turned away from them, Deputy [redacted] told him to go down to his knees. Preparing to conduct a pat down of Suspect Cortez, Deputy [redacted] placed his left hand on Suspect Cortez' left shoulder to guide him down as Cortez dropped down to his left knee. As Deputy [redacted] placed his right hand on Suspect Cortez right shoulder to guide him down, Suspect Cortez sprang to his feet and spun to his left.

Deputy [redacted] grabbed onto Suspect Cortez's shirt as Cortez attempted to pull away from him, while moving backwards into an aisle. Deputy Cordero arrived on the left side of Deputy [redacted] standing by his side in the aisle. Deputy [redacted] continued to hold onto Suspect Cortez' shirt as Suspect Cortez leaned forward while moving backwards (east bound), pulling Deputy [redacted] with him, as Deputy Cordero attempted to grab onto Suspect Cortez. Failing to obey their orders to stop fighting and to lie on the ground, Suspect Cortez used both hands to punch at Deputies [redacted] and Cordero, striking them both with his hands.

In the struggle to get Suspect Cortez to the ground, items were knocked off the shelves as Suspect Cortez continued to pull backwards, moving south bound into a different aisle. Suspect Cortez then dropped his left hand to his left front pants pocket. Deputy [redacted] let go of Suspect Cortez' shirt and removed his weapon from his holster. As Suspect Cortez was pulling out a handgun from his pocket, Deputy [redacted] yelled out to Deputy Cordero to let go of the suspect because he had a gun. As Suspect Cortez started to pull out the handgun from his pocket, Deputy [redacted] fired one round at Suspect Cortez, striking him, immediately followed by Deputy Cordero who fired one round at Suspect Cortez, striking him. Suspect Cortez fell to the ground.

IAB NOTE: At the time of the shooting, Deputy [redacted] believed he had fired two rounds (double tap) at Suspect Cortez. He later learned the trigger reset spring had failed, causing his weapon to become inoperable. For further, refer to the Firearms Examiner's report in ***Exhibit A, pages 51-53***.

Deputy [redacted] told Deputy Cordero to secure Suspect Cortez' handgun and check to see if he was conscious. Deputy [redacted] then went to the front of the market to secure the scene as he broadcasted over his handheld radio to the Sheriff's Communication Center that he had been involved in a shooting, requesting additional units and rescue to respond.

Deputy [redacted] stated he did not notify the Los Angeles Police Department regarding the information given to him in his cell phone call because he was unsure of the location and the informant requested help. He said there were no other persons in the rear portion of the store and his backdrop was a wall and shelves.

Deputy [redacted] provided a diagram depicting the incident, ***Exhibit B***. For a copy of Deputy [redacted] Weapons Training Records, refer to ***Exhibit C***.

Deputy [redacted] stated that during the struggle with Suspect Cortez, he was struck four to six times and he received bruises to both forearms, possibly caused by the cast on Suspect Cortez' right hand. He did not require, nor seek, medical treatment for his injuries.

Deputy William Cordero *was interviewed during the investigation by Homicide Investigators Todd Anderson and Michael Valento on April 12, 2008, at 2107 hours. He was represented by attorney Derald Brenneman from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the* ***Transcriptions*** *section of the casebook. For a summary of his interview with the Homicide investigators, refer to* ***Exhibit A, pages 27 through 29***.

Deputy William Cordero *was interviewed by IAB Sergeant Dinah Grote on May 7, 2009, at 1132, at the IAB Commerce office. He was represented by Derald Brenneman from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files and/or the verbatim transcripts listed under the* ***Transcriptions*** *section of the casebook.*

Deputy Cordero stated that he and his partner, Deputy [redacted] were [redacted] (Witness [redacted] in an alleyway across the street from the "El Ranchito Market" when Deputy [redacted] received a telephone call on his cell phone. Deputy Cordero was [redacted] on Witness [redacted] when Deputy [redacted] hung up the phone and told him to release Witness [redacted] due to a person with a possible gun at a store. Deputy [redacted] pointed to a store (El Ranchito Market) across the street from where they stood. Deputy [redacted] relayed the information he received to Deputy Cordero, telling him that he was unsure if they were at the correct location.

Deputy Cordero parked east of the market, and out of view. Deputies Cordero and [redacted] approached the business and looked through the front glass windows, not seeing anyone matching the clothing description. They noted that people were entering and exiting the store and the business appeared to be normal.

As they entered the store, Deputy Cordero scanned the store and saw a male (Suspect Cortez) matching the clothing description, given to him by Deputy [redacted] standing at the rear of the check out line on the south side of the store. When Deputy Cordero made eye contact with Suspect Cortez, his eyes widened and he took a step backwards. Deputy Cordero removed his weapon from his holster and kept it at his side. Believing this was the individual possibly armed with a gun, Deputies Cordero and [redacted] walked toward Suspect Cortez. Deputy Cordero saw a forearm cast on Suspect Cortez' right hand and noted that he did not make any aggressive moves as they made contact with him.

Deputy Cordero told Suspect Cortez not to move or to reach for anything while Suspect Cortez asked what was going on. Deputy Cordero told Suspect Cortez he would explain later, again telling him not to reach for anything and to turn away from them. Suspect Cortez was cooperative and turned away from Deputies Cordero and [redacted] Deputy Cordero placed his left hand on Suspect Cortez' right shoulder and told him to drop to his knees. Deputy Cordero felt some resistance on Cortez' shoulder as if he was slightly pulling away and nervous. Again, Deputy Cordero told Suspect Cortez not to reach for anything and to drop down to his knees.

After dropping down to his left knee, Suspect Cortez "exploded" upward and swung his arm around and knocked Deputy [redacted] backward, and then attempted to knock Deputy Cordero backward. Deputy Cordero was able to grab onto Suspect Cortez' shirt at the right shoulder area as Suspect Cortez moved down the main aisle of the store. Deputy Cordero was holding onto Suspect Cortez' shirt and giving him commands to stop fighting, but Suspect Cortez used his right hand (cast) to strike Deputy Cordero several times on his left elbow and forearm area, failing to comply with his orders.

Suspect Cortez reached down to his left front pants pocket and grabbed onto what appeared to be the butt of a gun, when Deputy Cordero heard Deputy [redacted] yell out, "Gun, gun, gun. I'm firing." Deputy [redacted] fired one round at Suspect Cortez, immediately followed by Deputy Cordero who fired one round at him (Suspect Cortez). Deputy Cordero could tell the suspect was hit because his body straightened, then fell to the ground. On the ground, Deputy Cordero saw the handgun hanging out of Suspect Cortez' left front pants pocket, so he removed it from the pocket and placed it on top of a store shelf for safe keeping. He then maintained cover at the rear store door while Deputy [redacted] requested assisting units and rescue via his handheld radio.

Deputy Cordero provided a diagram depicting the incident and placement of the involved, presented as ***Exhibit D***. For a copy of Deputy Cordero's Weapons Training Records, refer to ***Exhibit E***.

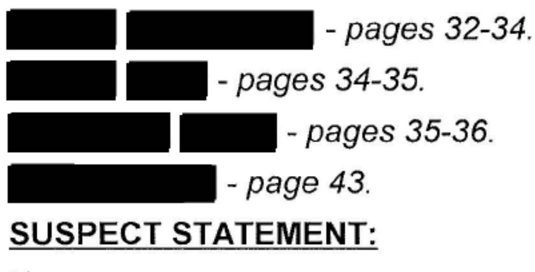
Deputy Cordero stated that during the struggle with Suspect Cortez, he sustained bruises and abrasions to his left forearm and elbow from being hit by Suspect Cortez' right hand, which had a cast. He did not require, nor seek, medical treatment for his injuries.

EMPLOYEE WITNESS STATEMENTS:

None.

NON-EMPLOYEE WITNESS STATEMENTS:

The following below civilian witnesses were identified at the location and interviewed during the investigation by Homicide Investigators Todd Anderson and Michael Valento. For the complete verbatim interview, refer to IAB's audio files. Refer to the page number located after the witnesses' names for a summary of their statements, presented in the Homicide case book in ***Exhibit A****.*



[redacted] *- pages 32-34.*

[redacted] *- pages 34-35.*

[redacted] *- pages 35-36.*

[redacted] *- page 43.*

SUSPECT STATEMENT:

None.

MISCELLANEOUS SECTION:

None.